

REVISED MOTION BY SUPERVISORS SHEILA KUEHL AND  
MARK RIDLEY-THOMAS

June 19, 2018

**Support SB 10: California Money Bail Reform Act of 2017**

On March 8, 2017, the Board of Supervisors unanimously adopted a motion co-authored by Supervisors Sheila Kuehl and Hilda Solis to advance pretrial and bail reform in the County of Los Angeles ("the Motion"). To fulfill the Board's directives, the County Counsel's Office continues to lead a number of working groups to investigate available risk assessment tools and pre-trial services which can support alternatives to confinement. The County Counsel's Office, in conjunction with the stakeholders who make up the various working groups, will recommend steps that the Board can take to balance a defendant's constitutional right to be free from excessive bail while also protecting the public and assuring the defendant's appearance in court.

On December 5, 2016, California State Senator Bob Hertzberg, representing the San Fernando Valley, introduced Senate Bill 10 ("SB 10"), also known as the California Money Bail Reform Act of 2017. SB 10 remains active in the California State

MOTION

SOLIS \_\_\_\_\_

RIDLEY-THOMAS \_\_\_\_\_

HAHN \_\_\_\_\_

BARGER \_\_\_\_\_

KUEHL \_\_\_\_\_

Legislature, most recently passing the Assembly Public Safety Committee on July 12, 2017, and is currently in the Assembly Appropriations Committee, where it was last amended on September 6, 2017. SB 10 seeks to advance pretrial and bail reform statewide and contains many provisions that appear consistent with the efforts the County of Los Angeles is taking at the local level.

In many ways, SB 10 aligns with the County's Motion, describing the need for reform and outlining overarching efforts to accomplish its purpose. SB 10 requires counties to use pretrial risk-assessment tools and permits every county to choose its own risk-assessment tool.

Under SB 10, every county would establish a pretrial services agency to conduct a pretrial assessment on all arrestees (with exceptions, including those who are accused of the most serious felonies). The County has a Pretrial Services Division within the Probation Department. The Motion directs further research into whether the County's pretrial services agency should remain in the Probation Department or whether it should be housed elsewhere within the County.

Consistent with the Motion, SB 10 requires the timely submission of a pretrial report to the court by the pretrial services agency that includes recommendations on conditions for release.

Additionally, SB 10 meets other County priorities on public and victim safety. For instance, under SB 10, courts will not consider release for those charged with domestic violence until arraignment. Additionally, SB 10 identifies a mechanism for providing notice to alleged victims, which reinforces the Victim's Bill of Rights.

**WE, THEREFORE, MOVE** that the Board of Supervisors direct the Chief Executive Office through the Legislative Affairs Division, in collaboration with County

Counsel, to prepare and submit a 5-signature letter to the Governor, Senator Bob Hertzberg, and the County's legislative delegation in support of Senate Bill 10, and request amendments that will help further align SB 10, if amended to the County's needs, including:

1. Funding: The County will request that SB 10 be amended to require the State to provide adequate funding for additional staffing for all County departments impacted by the requirements of SB 10 and to fund costs associated with the expedited time frame for mandated provisions related to pretrial assessment, supervision, and the necessary upgrades to information systems and technology upgrades as required under SB 10; and
2. Local Control: The County will request amendments to allow for appropriate local control relating to the reform and implementation of the County's pretrial release system, including but not limited to, the ability to determine the amount of time sufficient and appropriate to process individuals seeking pretrial release at the earliest possible time. This is consistent with the Board's approved motion of March 8, 2017 Motion, which called for the creation and use of an evidence-based risk assessment tool, and development of a robust pretrial services program, with the goal of ensuring fairness in our pretrial release system while also protecting public safety